

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

<b>In re:</b>  <b>Mary M. Rubenstein,</b> <b>Debtor</b>  <b>U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCAF ACQUISITION TRUST</b>  <b>Movant</b>  <b>v.</b>  <b>Mary M. Rubenstein</b> <b>Debtor/Respondent</b> <b>KENNETH E. WEST, Esquire</b> <b>Trustee/Respondent</b>	<b>Bankruptcy No. 24-13189-pmm</b>  <b>Chapter 13</b>  <b>Hearing Date: January 23, 2025</b> <b>Hearing Time: 11:00 A.M.</b> <b>Location: Robert N.C. Nix Sr. Federal Courthouse 900 Market Street, Suite 204 Philadelphia, PA 19107</b>
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**MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS  
INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2  
ACQUISITION TRUST FOR RELIEF FROM THE AUTOMATIC STAY TO  
FORECLOSE ON 6242 NESHAMINY VALLEY DRIVE, BENSALEM, PA 19020**

Secured Creditor, U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor(s), Mary M. Rubenstein, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on September 10, 2024.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.

3. On August 1, 2006, Mary Rubenstein (“Debtor”) executed and delivered a Promissory Note (“Note”) and executed a Mortgage (“Mortgage”) securing payment of the Note in the amount of \$160,200.38 to Wachovia Bank, National Association true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on February 15, 2006 in Instrument# 2006103046 of the Public Records of Bucks County, PA. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 6242 Neshaminy Valley Drive Bensalem, PA 19020. (“the Property”).
6. The loan was lastly assigned to U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust and same was recorded with the Bucks County Recorder of Deeds on December 14, 2023, as Instrument Number 2023052688. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”
7. Based upon the Debtor(s)’ Chapter 13 Plan (Docket No.{16}), the Debtor intends to cure Movant's pre-petition arrearages within the Chapter 13 Plan and is responsible for maintaining post-petition payments directly to Movant. A true and correct copy of the Chapter 13 Plan is attached hereto as Exhibit “D.”
8. Debtor has failed to make the monthly payments of principal, interest, and escrow in the amount of \$2,019.78 which came due on October 1, 2024 through December 1, 2023, respectively. See Exhibit “E.”
9. Thus, Debtor(s)’ post-petition arrearage totaled the sum of \$6,059.34 through December 16, 2024.

10. The current unpaid principal balance due under the loan documents is approximately \$214,354.96. Movant's total claim amount, itemized below, is approximately \$273,895.02. See Exhibit "F."

Principal Balance	\$214,354.96
Interest Through (06/01/22 to 12/16/24)	\$16,340.97
Escrow Advance	\$32,105.52
Total Fees	\$70.75
Accumulated Late Charges	\$99.27
Accumulated NSF Charges	\$50.00
Recoverable Balance	\$3,546.17
Deferred Principal Balance	\$7,327.38
Total to Payoff	\$273,895.02

11. According to the Debtor(s)' schedules, the value of the property is \$416,938.00. A true and accurate copy of the Debtor(s)' Schedule A/B is attached hereto as Exhibit "G."
12. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay and Co-Debtor stay for "cause" which includes a lack of adequate protection of an interest in property. Sufficient "cause" for relief from the stay under Section 362(d)(1) and Co-Debtor stay pursuant to 11 U.S.C. § 1301 is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.
13. As set forth herein, Debtor has defaulted on his/her/their secured obligation as he/she/they has/have failed to make his/her/their monthly post-petition installment payments.
14. As a result, cause exists pursuant to 11 U.S.C. § 362(d) and 11 U.S.C. § 1301 of the Code for this Honorable Court to grant relief from the automatic stay to allow Secured Creditor, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.
15. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to

insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

**WHEREFORE**, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) and 11 U.S.C. § 1301 to permit U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCAF ACQUISITION TRUST to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: December 26, 2024

**Robertson, Anschutz, Schneid, Crane  
& Partners, PLLC**

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